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CHARLES ELMORE CROPLEY
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1939.

No. [redacted] 3

UNITED STATES OF AMERICA,

Appellant,

v.

NORTHERN PACIFIC RAILWAY COMPANY,
NORTHERN PACIFIC RAILROAD COMPANY, ET AL.

No. [redacted] 4

NORTHERN PACIFIC RAILWAY COMPANY,
NORTHERN PACIFIC RAILROAD COMPANY, ET AL.,

Appellants,

v.

UNITED STATES OF AMERICA.

BRIEF OF NORTHERN PACIFIC RAILWAY COMPANY, ET AL. IN OPPOSITION TO PETITION OF CHARLES E. SCHMIDT, ET AL. FOR LEAVE TO APPEAR IN ARGUMENT.

LORENZO B. daPONTE,
Counsel for Northern Pacific Railway Co., Northern Pacific Railroad Co., et al.

St. Paul, Minn.
February, 1940.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1939.

No. 476

UNITED STATES OF AMERICA,

Appellant,

v.

NORTHERN PACIFIC RAILWAY COMPANY,
NORTHERN PACIFIC RAILROAD COMPANY, ET AL.

No. 477.

NORTHERN PACIFIC RAILWAY COMPANY,
NORTHERN PACIFIC RAILROAD COMPANY, ET AL.,

Appellants,

v.

UNITED STATES OF AMERICA.

BRIEF OF NORTHERN PACIFIC RAILWAY COMPANY, ET AL. IN OPPOSITION TO PETITION OF CHARLES E. SCHMIDT, ET AL. FOR LEAVE TO APPEAR IN ARGUMENT.

Petitioners Schmidt, et al. in Nos. 116 and 117, October Term, 1939, applied to this court for certiorari to review the decision of the Circuit Court of Appeals, Ninth Circuit, reported in 102 Fed. (2d) 589. They also moved, No. —— Original, October Term, 1939, for leave to file petition for

mandamus directed to Hon. Curtis D. Wilbur, Judge of said Court of Appeals. They also presented to Mr. Justice Reed applications for allowance of appeals from the decree entered June 27, 1939 in the District Court of the United States for the Eastern District of Washington (*United States v. Northern Pacific Railway Company, et al.*) said applications having been referred to this court. Orders were entered October 9, 1939, denying these various petitions and applications.

Schmidt and others by their petitions and applications attempted to obtain reversal of the orders entered in the District Court denying them leave to intervene in the suit between the United States and the Railway Company, et al. The arguments that are urged in support of the present petition are the same ones and only repetition of the contentions they have made again and again in support of their efforts for leave to intervene. The orders of this court entered October 9, 1939, effectually dispose of the contentions made in this present petition. The Railway Company, Railroad Company, et al. filed briefs in this court in opposition to the allowance of the petitions and applications above mentioned and rather than repeat the arguments contained therein we request the court to give consideration to those briefs. It is submitted that this last petition of Schmidt, et al. for leave to participate in the argument should be denied.

Respectfully submitted,

LORENZO B. daPONTE,
Counsel for Northern Pacific Railway Co., Northern Pacific Railroad Co., et al.

St. Paul, Minn.
February, 1940.

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